

United States Court of Appeals
For the Eighth Circuit

No. 16-2195

Robert E. Brown

Plaintiff - Appellant

v.

Robert Williams; Norma B. Williams; Williams Home Service, Inc.; Wayne L.
Watkins; Spring River Beach Club, Inc.

Defendants

Virgil Griffin; Mrs. Virgil Griffin; Griffin Park, LLC

Defendants - Appellees

Jesus is Lord Ministries, Inc.; Bigger Bluff Corporation

Defendants

Appeal from United States District Court
for the Eastern District of Arkansas - Jonesboro

Submitted: June 16, 2017

Filed: June 21, 2017

[Unpublished]

Before BENTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

In his action for civil remedies under the Racketeer Influenced and Corrupt Organizations Act, Robert Brown filed this appeal after the District Court¹ entered summary judgment in favor of defendants Virgil Griffin, Mrs. Virgil Griffin, and Griffin Park, LLC. While the parties have not raised the issue, we conclude that we lack jurisdiction to entertain Brown’s appeal. See 28 U.S.C. § 1291 (giving the courts of appeals jurisdiction of appeals from all final decisions of the district courts); Dieser v. Cont’l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006) (noting that a federal court will sua sponte consider its own jurisdiction when there is an indication that jurisdiction is lacking). Brown had unresolved claims against three remaining defendants when he filed this appeal, and he did not file a new notice of appeal within thirty days after the entry of the judgment disposing of those claims. See Thomas v. Basham, 931 F.2d 521, 523–24 (8th Cir. 1991) (concluding that an appeal was premature where some claims were still pending when the notice of appeal was filed); see also Dieser, 440 F.3d at 924–26 (noting that where a district court order appealed from did not dispose of all claims, the premature appeal cannot be saved by Rule 4(a)(2) of the Federal Rules of Appellate Procedure, which states, “A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.”).

The appeal is dismissed for lack of jurisdiction, and the pending motion to supplement the record is denied as moot.

¹The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas.